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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

10 Michael Steel,)
11 Petitioner,) CV 08-1030-PHX-PGR (DKD)
12 v.) **ORDER**
13 Charles L. Ryan¹, et al.,)
14 Respondents.)
15

16 Currently before the Court is the Report and Recommendation of Magistrate Judge
17 Voss (Doc. 15) based on Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28
18 U.S.C. § 2254.² Having reviewed *de novo* the Petition, the Report and Recommendation³ of
19 Magistrate Judge Duncan, and the Petitioner's objections thereto, and in light of the Court's
20 finding that the Petitioner's objections do not have any merit,

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22 ¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Charles L. Ryan,
23 the Interim Director of the Arizona Department of Corrections, replaces Dora Schriro.

24 ² Petitioner challenges his state court conviction for Possession of Narcotic Drug for
25 Sale, with a prior felony conviction, and the trial court's imposition of a 9.25 year term of
imprisonment. (Doc. 1.)

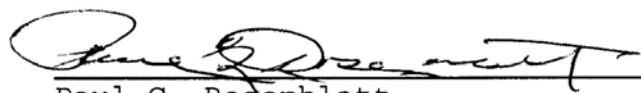
26 ³ Magistrate Judge Duncan concluded that the state court was correct in its finding that
27 Petitioner's "of-right" application for post-conviction relief was untimely and that he was
not entitled to tolling, as a matter of law. This Court agrees.

1 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation
2 **(Doc. 14)** is **ACCEPTED** and **ADOPTED** by the Court.

3 IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus
4 **(Doc. 1)** is **DISMISSED** and **DENIED** with prejudice.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall close this case.

6 DATED this 9th day of June, 2009.

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10 Paul G. Rosenblatt
United States District Judge

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